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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,524	03/30/2001	Gregory Kent Plunkett	21426-013	8698

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BOSTON, MA 02111

EXAMINER

SMITH, TRACI L

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,524

Applicant(s)

PLUNKETT ET AL.

Examiner

Traci L Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This non-final first action is in response to amended papers files on December 3, 2001. Claims 3-33 are pending.
2. IDS filed on June 6, 2001 has been entered and references have been considered.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. See Pg 10 ln. 11 example, www.monster.com. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 3-8, 11-12, 14-15, 17-20, 24-25, 27 and 30-31 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,735,571 B2 Coleman et al.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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5. As to claim 3, Coleman discloses a method for:
 - a. providing compensation data, associated with a job category(C. 11 .56-58)
 - b. using a portion of values of at least first factors to obtain estimates of compensation data (C. 12 I. 3-5)
 - c. comprising transmitting compensation data via a communications network.(C. 12 I. 61-63)
6. As to Claims 4,15 and 30-31 wherein characteristics are scope criteria associated with jobs.(C. 12 I. 30-31)
7. As to claims 5-7 and 19-20 where in the characteristics include at least one of geographic region.(C. 12 I. 32-33)
8. As to claims 8 and 17 estimating is performed for compensation data for a plurality of selected job categories for which compensation data associated with the characteristics are provided. (C. 12 I.67; C. 13 I. 4-5)
9. As to claims 11 and 27:
10. (a) determine a job to job factor associating compensation data of a first job with compensation data of a second job.(C. 13 I. 57-58)
11. (b) calculate a base value associated with stored compensation data by using a relationship for a reference data using stored compensation data(C. 13. I. 47-52)
12. (c) processor is configured to compare the estimated compensation data and stored compensation data to provide indicia of the comparison.(C. 13 I. 64-67)

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13. As to claim 12, comprising transmitting indicia of the estimates via a communications network to a destination for display at the destination.(C. 12 I. 62-65).
14. As to claim 14 system for estimating compensation data comprising a communications network, a processor coupled with an interface configured to calculate value associated with scope criteria. (C. 13 I. 40-42)
15. (b)determine compensation data using values of the training factors , the job-to-job factor and the base value.(C. 13. I. 60-64)
16. (c) the processor is configured to provide the combined compensation data to the network interface.(C. 14 I. 7-9)
17. (d) comprising a user interface coupled to the processor and configured to provide values of the factors(C. 14 I. 1-3)
18. As to claim 18, processor couples to the network interface and to the storage device. (C. 13 I. 46-52)
19. As to claim 24 data are associated with at least two job categories comprising applying a selected second job to a value of a first factor of a first job category to determine a value of a corresponding first factor of second job category.(C. 12. I 50-55)
20. As to claim 25 performed for compensation data for a plurality of selected job categories with respective associated job characteristics for which compensation data are not provided by applying second factors to data for other categories associated with characteristics provided(C. 12 I. 66-67; C. 13. I. 1-5).

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21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. Claim 3-33 are rejected under 35 U.S.C. 102(b) as being anticipated by www.erieri.com. (any linkage on (2000): *March 02, 2000).

23. As to claims 3, 14 and 27 a system and method for selecting job categories and providing compensation information over a network.(Pgs. 53-54)

24. As to claims 4-8, 15-17, 19-21 and 29-31 prompts including postal code, cities, states and job categories. (Pg. 53 Ref. A-E)

25. As to claims 9, 22 and 28 compensation information includes salary. (Pg 5 I. 5)

26. As to claims 10, 23 and 29 salaries are percentiles associated with jobs selected.(Pg. 4 I. 21-22 & Ref A₁ & Pg 45 L. 3-5)

27. As to claim 11 method of job comparison reporting based on user selections.(Pg 54 Ref A-E & Left Column Ln. 10)

28. As to claim 12 a graphical display of compensation information.(Pg 4 Ref A)

29. As to claim 13 links providing jobs selectable job opportunities.(Pg. 54 Left Column Ln. 3)

30. As to claim 18 database of compensation information associated with job description.(Pg. 24 L. 25-27).

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31. As to claim 24 allows user selects multiple job descriptions for comparison. (Pg. 4 L. 33-36)
32. As to claim 25, comparisons are of different geographic locations for the same job class and averages.(Pg. 4 l 16-21 & l. 23)
33. As to claim 26 a computer readable medium to be read by a processor(Pg. Pg. 24 L. 18-20)
34. As to claim 32 user selection of comparison information associated with selected jobs.(Pg. 55(a) l. 5-8)
35. As to claim 33 user selection of comparison information including national averages of selected jobs.(Pg. 55(a) l.5-8 and Pg.58 l. 38-40)
36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 1, 096, 404 A2. A human resource management service system, provides a persons experiences, skills and qualifications.

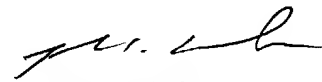
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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